

**TOWN OF BUCKEYE
REGULAR COUNCIL MEETING
OCTOBER 4, 2005
MINUTES**

**Town Council Chambers
100 N. Apache Road
Buckeye, AZ 85326
7:00 p.m.**

1. Call to Order/Pledge of Allegiance/Roll Call.

Mayor called the meeting to order at 7:00 p.m. The Pledge of Allegiance was led by General Rand, Base Commander of Luke Air force Base.

Members Present: Councilman Meck, Councilman Beard, Vice Mayor Urwiller, Mayor Hull, Councilwoman May, Councilman Doster, and Councilman Garza.

Members Absent: None

Departments Present: Town Manager Carroll Reynolds, Town Attorney Scott Ruby, Town Clerk Linda Garrison, Deputy Clerk Lucinda Aja, Parks & Recs Director Jeanine Guy, Human Resources Director Toni Brown, Police Chief Dan Saben, Information Technology Director Dee Hathaway, Finance Department Manager Iris Wallace, Airport Director Jason Hardison, Community Development Director Bob Bushfield, Fire Chief Scott Rounds, Fire Marshall Bob Costello, Town Engineer Woody Scoutten, Public Works Director Joe Guidice, and Finance Director Ron Brown.

2. Comments from the Public

Richard Adams-spoke about irrigation notices and qualifications of a magistrate.

CONSENT AGENDA

Approval of items on the Consent Agenda –There will be no separate discussion of these items unless a Councilmember requests. Motion made by Councilwoman May and seconded by Councilman Doster to approve Items *3, *4, *5A, *5B, *5C, *5D, *5E, *5F *5G, *5H, and *5I. Motion passed unanimously.

***3.** Council approved minutes of the September 20, 2005 Regular Council meeting.

***4.** Council approved invoices due by the Town for payment. Copies of invoices are available at Town Hall.

New Business

***5A.** Council approved the purchase through State contract of one Elgin mechanical broom bear sweeper in the approximate amount of \$177,602.67 from line item 071-50-707. CMAQ grant funding has been received in the amount of \$140,077, town to provide not less then a 5.7% cash match.

***5B.** Council awarded the bid for one 6000# vibratory roller and trailer to the lowest bidder, Falcon Power, in the amount of \$40,292.00 from line item 071-50-707.

***5C.** Council, awarded the bid for one front end loader to the second lowest bidder, R.D.O. Equipment, in the amount of \$147,785.11 from line item 071-50-707.

***5D.** Council awarded the purchase of new partitions at the Community Center to Norcon Industries under the Mohave Educational Cooperative Agreement in the amount of \$35,687.86 from line item 010-77-598.

***5E.** Council approved the proposed contract with URS Corporation for the update to the Engineering Feasibility Study for the Town Lake Project in an amount not to exceed \$138,500 over a five year period.

***5F.** Council approved establishing the rate for mileage reimbursement as that used by the Internal Revenue Service Standard Mileage Rates effective October 1, 2005.

*5G. Council approved payment of water utility bills for a Katrina evacuated family for four months beginning October 1, 2005 from the Town's General Fund.

*5H. Council approved the purchase of office furniture for the Police Department in the approximate amount of \$16,402.03 from line item 010-60-598 Capital Outlay.

*5I. Council adopted Resolution 65-05 authorizing submission of projects for consideration in the Arizona 2005 Arizona Criminal Justice Commission/Justice Assistant Grant in the amount of \$10,000 (\$4,126 from JAG and \$5,874 from the Town of Buckeye).

Old/New Business

6A. Resolution 63-05 supporting the continuing operation of Luke Air Force Base

Motion made by Councilwoman May and seconded by Councilman Doster to adopt Resolution 63-05 supporting the continuing operation of Luke Air Force Base. Motion passed unanimously.

6B. Update on water billing issues.

Finance Director Ron Brown reported to Council there have been approximately 2,400 credits issued. In an effort to correct the billing problem each register is reviewed carefully and service requests are being issued for questionable reads. The Town has added several new phone lines to assist with customer service and staff has been increased. Reports are reviewed prior to billing and if found to be excessive the owner is notified. Mr. Brown said that the rates for after use are being reviewed. Town Manager Carroll Reynolds suggested to Council that a meeting could be scheduled to report findings in the rate review. New meter installation will hopefully be completed next week. Mr. Reynolds assured Council that staff was working very hard at solving the water billing issue. Mr. Brown stated that adding to the staff would help tremendously with customer service by having a designated person answer questions about water bills. Councilman Beard would like the Rancho Sonora water rate to be reevaluated. Council requested an update in 30 days to find out if the town is financially breaking even or earning money with the new water rates. Rancho Sonora residents Jeanine Weir and Marj Balsivitch addressed Council and said that since Sonora residents do not have ground water treatment plants to pay for the rates are not justified. Ms. Weir also pointed out that the water quality in Sonora is poor. Sundance Resident Dave Everstien expressed his concern and wants to find a solution. Mr. Everstien feels the public trust in Council is at stake.

6C. Utility Billing Manager-Finance Department

Motion made by Vice Mayor Urwiller and seconded by Mayor Hull to deny approval of the modification of the salary plan to add a Utility Billing Manager. Councilman Meck, Councilman Beard, Councilwoman May, Councilman Doster, and Councilman Garza voted nay. Vice Mayor Urwiller and Mayor Hull voted aye. Motion failed. Motion made by Councilwoman May and seconded by Councilman Beard to approve the modification of the salary plan to add a Utility Billing Manager classification Grade 65 and authorize this position with the Finance Department. Councilman Meck, Councilman Doster, Councilman Beard, Councilwoman May and Councilman Garza voted aye. Vice Mayor Urwiller and Mayor Hull voted nay. Motion carried.

6D. Ordinance 53-05 Amending Chapter 5, Section 5-2-1, of the Buckeye Town Code-Magistrate's Term

Town Attorney Scott Ruby explained to Council that by adopting this Ordinance it would not restrict the Town from allowing the Magistrate to serve more than 2 years. Motion made by Vice Mayor Urwiller and seconded by Councilwoman May to adopt Ordinance 53-05 amending Chapter 5, Section 5-2-1, of the Buckeye Town and read by title only. Motion passed unanimously.

6E. Ordinance 51-05 Rezoning-GARRETSON RZ04-243

Town Planning Director Bob Bushfield added the stipulation that no construction of any structures is to be on land with more than a 15% slope. After some discussion motion made by Councilman Meck and seconded by Councilman May to table Ordinance 51-05 amending the Land Use District Map of the Town on approximately 305 acres generally located east of Miller Road between McDowell Road and Yuma Road in the northeast quarter of Section 8, Township 1 North, Range 3 West, of the Gila and Salt River Base and Meridian from Maricopa County Rural-43 to the Planned Residential (PR) Land Use District and read by title only. Motion passed unanimously.

6F. Public Hearing- Brian Hardy of Trimark Development, L.L.C. Annexation of 340 Acres Located on the Southwest Corner of MC 85 and Rooks Road - TRIMARK DEVELOPMENT A05-03

A Public Hearing was opened at 8:13 p.m. to hear citizen input about the request for annexation of 340 acres located on the southwest corner of MC 85 and Rooks Road requested by Brian Hardy of Trimark Development, L.L.C. Councilwoman

May pointed out that the proposed annexation lists Agua Fria School District and it should be Buckeye School District. Denise Lacey of RBF Consulting noted the correction and apologized for the error. There being no further comments from the public the hearing was closed at 8:15 p.m.

6G. Public Hearing- Requested by William Lally of Withey Anderson & Morris, P.L.C. on behalf of Trimark Development, L.L.C. Rainbow Road and Baseline Roads- TRIMARK DEVELOPMENT A05-08

A Public Hearing was opened at 8:16 p.m. to hear citizen input on the request by William Lally of Withey Anderson & Morris, P.L.C. on behalf of Trimark Development, L.L.C. for the proposed annexation of 450 acres generally located at Rainbow Road and Baseline Roads. There being no comment from the public the hearing was closed at 8:16 p.m.

6H. Public Hearing Requested by Brian Bernard of Kimley-Horn and Associates on Behalf of Jackrabbit Corner Partnership, L.L.P. for the Proposed Annexation of Approximately 29 Acres Generally at the Northeast Corner of Jackrabbit Trail (195th Avenue) and Indian School Road. JACKRABBIT CORNER PARTNERSHIP A05-09

A Public Hearing for the request by Brian Bernard of Kimley-Horn and Associates on behalf of Jackrabbit Corner Partnership, L.L.P. for the proposed annexation of approximately 29 acres generally located at the northeast corner of Jackrabbit Trail (195th Avenue) and Indian School Road did not take place due to posting error.

6I. Public Hearing Requested by Ruth Mundy and Michael and Suzanne Densford for the Proposed Annexation of Lots 12 and 13 of the Phoenix Skyline West Three Subdivisions Generally Located South of Durango Street and East of Watson Road. MUNDY/DENSFORD A05-15

A Public Hearing for the request by Ruth Mundy and Michael and Suzanne Densford for the proposed annexation of Lots 12 and 13 of the Phoenix Skyline West Three subdivision generally located south of Durango Street and east of Watson Road did not take place due to posting error.

6J. Public Hearing Requested by Dorothy Desroches of Stardust REIF No. 5, L.L.C. for the Proposed Annexation of Approximately 320 Acres Generally Located on the West side of Dean Road (219th Avenue) Between Broadway Road and Southern Avenue.

A Public was opened at 8:18 p.m. to hear citizen input on the request by Dorothy Desroches of Stardust REIF No. 5, L.L.C. for the proposed annexation of approximately 320 acres generally located on the west side of Dean Road (219th Avenue) between Broadway Road and Southern Avenue. Councilman Doster confirmed with Planner Quinn Newton that the rezoning would take place at a later meeting. There being no comment from the public the meeting was closed at 8:20 p.m.

6K. Public Hearing the request by Withey Anderson and Morris P.L.C. on behalf of Armstrong Development Properties, Inc. on the proposed annexation of approximately 6.31 acres located at the northwest corner of Van Buren Avenue and Jackrabbit Trail. ARMSTRONG DEVELOPMENT PROPERTIES A05-18

A Public Hearing was opened at 8:21 p.m. to hear citizen input on the request by Withey Anderson and Morris P.L.C. on behalf of Armstrong Development Properties, Inc. on the proposed annexation of approximately 6.31 acres located at the northwest corner of Van Buren Avenue and Jackrabbit Trail. Council requested that Development make sure we do not violate the agreement with Luke Air Force Base regarding fly zones. There being no comment from the public the hearing was closed at 8:24 p.m.

6L. Final Plat in the Verrado Master Planned Community Known as Planning Unit III, Parcel 3.406. VERRADO FP05-75

Fire Marshall Bob Costello told Council that this Master Planned Community is in compliance with fire codes and guidelines. Motion made by Vice Mayor Urwiller and seconded by Councilman Beard to approve the replat of a Final Plat in the Verrado Master Planned Community, known as Planning Unit III, Parcel 3.406 requested by Kurt Jones of Biskind, Hunt, and McTee on behalf of Fidelity National Title Company. Motion passed unanimously.

6M. Ordinance 55-05 Approving Both a Development Agreement and the Community Master Plan for the Development known as Copper Falls. KB HOMES CMP04-159

After some discussion regarding stipulations and density a motion was made by Councilman Meck and seconded by Councilwoman May to table Ordinance 55-05 approving both a Development Agreement and the Community Master Plan for the development known as Copper Falls, a Master Plan Community by KB Homes Phoenix, Inc. and Triyar Management of AZ on approximately 275 acres of land located on the northwest corner of Miller Road and Southern Avenue and authorizing and directing the Mayor to sign the Development Agreement on behalf of the Town requested by Manjula Vaz of Gammage and Burnham on behalf of KB Homes and read by title only. Motion passed unanimously.

6N. Change Order #2 requested by Banicki Construction for the payment of final quantities for the 5th Street, 7th Street and Narramore Avenue street projects in an amount approximately \$70,361.66 to be funded from line item 071-50-705.

After some discussion motion made by Councilman Meck and seconded by Councilman Beard to approve Change Order #2 requested by Banicki Construction for the payment of final quantities for the 5th Street, 7th Street and Narramore Avenue street projects in an amount approximately \$70,361.66 to be funded from line item 071-50-705. Motion passed unanimously.

6O. 5% Pay Increase-3 Employees

Toni Brown was available to answer Council's questions. Motion made by Councilman Doster and seconded by Councilwoman May to approve allowing three employees, two in the Public Works Department and one in the Community Services Department, who are currently at the maximum of the range to be given an additional increase in pay to bring their salary plan implementation increase to a total of 5% retroactive to the August 28, 2005 pay period. Motion passed unanimously.

6P. Ordinance 56-05 Amending the Town Code by Replacing Article 3-4, Purchasing. Sections 3-4-1 through 3-4-9 in its Entirety with Article 3-4, Sections 3-4-1 through 3-4-144

Motion made by Councilman Meck and seconded by Councilwoman May to adopt Ordinance 56-05 amending the Town Code by replacing Article 3-4, Purchasing. Sections 3-4-1 through 3-4-9 in its entirety with Article 3-4, Sections 3-4-1 through 3-4-144 and providing for the implementation thereof and read by title only. Motion passed unanimously.

6Q. All Mail Ballot/Poll Location Method

After some discussion motion made by Councilman Doster and seconded by Vice Mayor Urwiller to instruct the Town Clerk to contract with the County for an "all mail ballot" for the March 10, 2005 primary election and the May 19, 2005 general election (if necessary). Councilman Meck, Councilman Beard, Mayor Hull, Councilwoman May, and Councilman Garza voted nay. Motion failed. Motion made by Councilwoman May and seconded by Councilman Meck to remain with the "poll location method" for the March 10, 2005 primary election and the May 19, 2005 general election. Councilman Beard, Mayor Hull, and Councilman Garza voted aye. Vice Mayor Urwiller and Councilman Doster voted nay. Motion carried.

6R. Resolution 64-05 declaring the document known as "Amendments to the Town of Buckeye Development Code"

Motion made by Vice Mayor Urwiller and seconded by Councilman Meck to adopt Resolution 64-05 declaring the document known as "Amendments to the Town of Buckeye Development Code", three copies of which are on file in the office of the Town Clerk, as a public record. Motion passed unanimously.

6S. Ordinance 57-05 approving both a Development Agreement and the Community Master Plan for the Development known as Monte Verde, a Master Plan Community by Shea Homes Limited

Planning Director Bob Bushfield reported that Shea Homes developed an agreement with the Buckeye Union School District to build a school on 55 donated acres. Attorney Steven Earl was available to discuss issues about the future alignment of Buckeye Road. St. Henry Catholic Church Realtor Carla Walters told Council that no notice was given about the realignment. Motion made by Councilwoman May and seconded by Councilman Garza to table Ordinance 57-05 approving both a Development Agreement and the Community Master Plan for the Development known as Monte Verde. Councilman Meck, Vice Mayor Urwiller, Mayor Hull, and Councilman Doster voted nay. Councilman Beard, Councilwoman May, and Councilman Garza voted aye. Motion failed. Motion made by Vice Mayor Urwiller to table the request. Motion withdrawn. Motion made by Councilwoman May and seconded by Councilman Garza to table Ordinance 57-05 approving both a Development Agreement and the Community Master Plan for the Development known as Monte Verde, a Master Plan Community by Shea Homes Limited Partnership on approximately 860 acres of land located between Watson Road and one half mile west of Miller Road and between the Roosevelt Irrigation District Canal and the Lower Buckeye Road Alignment and authorizing and directing the Mayor to sign the Development Agreement on behalf of the Town and read by title only. Councilman Meck asked what tabling this request would do to the school project. Dave Garcia of Shea Homes said he was open to change and reminded Council how important schools are to the growing community. Councilman Beard, Councilwoman May, Councilman Garza, and Mayor Hull voted aye. Councilman Meck, Vice Mayor Urwiller and Councilman Doster voted nay. Motion carried.

8. Town Manager's Report

- Chief Saban working on Public Free Resources provided by the State.
- Environmental Clearance has been received on the property downtown for the Raney House..
- Efforts are being made to get the Sonora Wall Project back on track.

9. Comments from the Mayor and Council

Councilman Meck-None

Councilman Beard-Would like to see the Main Street Presentation at the next meeting.

Vice Mayor Urwiller-None

Councilwoman May-None

Councilman Doster".

Councilman Garza-Enjoyed the League of Cities Meeting

Mayor Hull-None

10. Adjournment.

There being no further business to come before Council motion made by Vice Mayor Urwiller and seconded by Councilman Beard to adjourn the meeting at 9:43 p.m. Motion passed unanimously.

Dustin Hull, Mayor

ATTEST:

Linda Garrison, Town Clerk

I hereby certify that the foregoing is a true and correct copy of the Regular Meeting held on the 4th day of October, 2005. I further certify that a quorum was present.

Linda Garrison, Town Clerk